

Law Offices

MORGAN, LEWIS & BOCKIUS LLP
(Pennsylvania Limited Liability Partnership)
502 Carnegie Center
Princeton, NJ 08540-6241
609.919.6600 / 6701 (fax)
Rene M. Johnson
Joseph A. Nuccio
Attorneys for Defendants
Moody's Investors Service, Inc., and
Moody's Corporation

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PAUL BIENSTOCK, Plaintiff, v. MOODY'S INVESTORS SERVICES and MOODY'S CORPORATION, Defendants.	Civil Action No. 09-2858 (SHS-RLE) DEFENDANTS' NOTICE OF MOTION TO DISMISS, OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT <i>ELECTRONICALLY FILED</i>
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PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, Affidavit of Michael Rowan and exhibit thereto, Declaration of Joseph A. Nuccio and exhibit thereto, and all of the papers and proceedings herein, Defendants Moody's Investors Service, Inc. (improperly sued as "Moody's Investors Services") and Moody's Corporation, through their undersigned counsel, will move this Court on a date to be determined, before the Honorable Sidney H. Stein, United States District Court Judge for the Southern District of New York, for an Order, pursuant to Rule 12(b)(6) and/or 56 of the Federal Rules of Civil Procedure, granting

Defendants' motion to dismiss the Complaint, or, in the alternative, granting Defendants' motion for summary judgment.

Respectfully submitted,

Morgan, Lewis & Bockius LLP

Attorneys for Moody's Investors Service, Inc., and
Moody's Corporation

s/ René M. Johnson

René M. Johnson

Joseph A. Nuccio

Dated: May 18, 2009